

Report to the Clark County Planning Commission

TO: Clark County Planning Commission

FROM: Patrick Lee, Long Range Planning Manager

PREPARED BY: Project Staff – Rich Lowry (x4775), Bob Higbie (x4113)

DATE: March 3, 2003

SUBJECT: 3500 Acres Remand – Staff Technical Review Report

FILE: CPM 97-009

I. INTRODUCTION

The 1994 Comprehensive Plan included 35,000+ acres of rural land designated Agri-Forest. This designation was appealed to and upheld by the Western Washington Growth Management Hearings Board ("Hearings Board"). The Hearings Board decision was further appealed to the Clark County Superior Court, which in April of 1997 entered a judgment overturning the classification on the grounds that it was not authorized by the Growth Management Act, that it was not supported by the record, and that the process of its adoption violated early public participation requirements of the Act.

Upon receipt of the remand the Board of County Commissioners ("Commissioners") appointed a 13-member task force, which in March of 1998 reported its recommendations on re-designating the 35,000+ acres. Approximately 200 acres were recommended for resource designation. Significant acreage was recommended to be placed into new R-10 and R-20 districts, and the remaining acreage was recommended for R-5 classification. Two task force minority reports followed. The first urged that virtually all the 35,000+ acres be designated R-5. The second, or "alternative minority report", argued that approximately 3,500 acres recommended by the task force for rural designation actually qualified for resource designation. The Planning Commission recommended the position urged in the first minority report. The commissioners essentially adopted the original task force recommendation.

Much of the debate in the remand proceedings dealt with whether or not the Act's "primarily devoted to" criteria for agricultural designation required that eligible land be in current resource use. One month following the commissioners' decision in June of 1998, the state supreme court ruled in *Redmond v. Growth Hearings Bd.*, 136 Wn.2d 38

(1998), that current commercial production is not required. Based upon its conclusion that the county may have misapplied the Act's designation criteria, the Hearings Board in May of 1999 remanded for further consideration the 3,500+ acres identified in the second minority report.

Staff proceeded to compile data related to the criteria used by the Agri-Forest Task Force and added criteria to further reassess the appropriateness of the contested and undecided designations. That information with analysis and conclusions is provided herein for the Planning Commission's and Board's review and consideration. The decision before the Planning Commission and Board at this time is the appropriateness of the analysis tools, and the determination of parcel/site area designations.

A. Update Process

The criteria used for the analysis are included below in Exhibit A. The spreadsheet, Exhibit B, is compiled with most of the criteria that the Agri-Forest Task Force worked with in their deliberations on the original 35,000 acres in the Agri-Forest designation. Exhibit C is a set of maps that correspond with the spreadsheet by map and area number. Staff reassessed the criteria and added additional criteria that included proximity to non-resource zoning, surrounding land uses and availability of water service. The results were compared with the conclusions of the Agri-Forest task force. Please note that the task force looked at groups of parcels in an area. Their analysis was not necessarily parcel-specific, but area specific. Staff also conducted site visits on February 26, 2003 of those parcels in North Clark County.

EXHIBIT A

CRITERIA FOR RESOURCE AND RURAL LANDS – Measurable for analysis

CRITERIA FOR DESIGNATING AGRICULTURAL LANDS	CRITERIA FOR DESIGNATING FOREST LANDS	CRITERIA FOR DESIGNATING RURAL LANDS
Each of the following must be met:		
Primarily devoted to agriculture production (RCW 36.70.030)	Primarily devoted to growing trees for long term timber production on land that can be economically and practically managed for such production (RCW)	
Has long term commercial significance for agricultural production (includes growing capacity, productivity, soils, in consideration with proximity to population areas and possibility of more intense uses). (RCW *)	Long term commercial significance (includes growing capacity, productivity, soils, in consideration with proximity to population areas and possibility of more intense uses) (RCW *)	
The following must be considered:		
Quality soils-requires use of land capability classification system of SCS, with consideration to prime and unique soils (WAC 365-190-050)	Requires use of Department of Revenue private forest land grading system (WAC)	Edge issues/ Resource buffering (GMA, BOCC direction, task force)
The availability of public facilities and services (WAC)	The availability of public facilities and services conducive to the conversion of forest land (WAC)	Existing parcelizations (BOCC direction, task force).
Tax status (WAC)	Tax classification: property assessed as open space or forest land pursuant to RCW 84.33 or 84.34 (WAC)	Proximity to urban areas. (GMA, BOCC direction, task force)
Relationship or proximity to urban growth areas (WAC)	Proximity to urban, suburban or rural settlements; forest lands are located outside such areas (WAC)	Rural character as defined by ESB 6094 (GMA, BOCC direction, task force)
Predominant parcel size (WAC)	Parcel size: forest lands consist of predominantly large parcels (WAC)	Importance to ecosystem integrity (task force)
Land settlement patterns and their compatibility with agricultural practices (WAC)	The compatibility and intensity of adjacent and nearby land use and settlement patterns (WAC)	
History of land development permits issued nearby (WAC)	History of land development permits issued nearby (WAC)	
Land values under alternative uses (WAC)	Local economic conditions which affect the ability to manage timberlands for long term commercial production (WAC)	
Proximity to markets (WAC)	Parcel creation after 1990 (task force)	
Parcel creation after 1990 (task force)	Land values under alternative uses (WAC)	
Importance to ecosystem integrity (task force)	Importance to ecosystem integrity (task force)	

Staff added the following criteria in refining the analysis:

1. Parcel is surrounded on at least four sides with rural zoning.
2. Parcel is surrounded on at least three sides with rural zoning.
3. Public water lines within 1,500 feet of parcel.

Other criteria not addressed in the staff spreadsheet are addressed in the task forces' work, in Exhibit D.

B. Public Involvement

The public involvement component of this remand work was done during 1997 and 1998. The Agri-Forest Task Force and public meetings and hearings were the primary vehicles for public involvement. A notebook with the referenced exhibits was provided to the Board of Commissioners in April 1998. A variety of interest groups and individuals were present on the task force. Details of the task force and their process are presented to the Board in the April 4, 1998 staff report included in the Board's 1998 notebooks.

This second phase of the remand depended upon staff's technical review of the task force's work and updating of the technical information. The next public involvement for this phase included notice to property owners whose land use designation has been recommended for change, and other parties of record, primarily attorneys. Two public open houses, one in Dollar's Corner and one in LaCenter, were held on February 25 and March 6, 2003, respectively. One-on-one appointments with property owners and staff were offered to the affected parties. A matrix with a list of open house attendees and callers is attached as Exhibit H. The Planning Commission's and Board's duly advertised public hearings serve as another component of public involvement.

II. Analysis

A. Spreadsheet Organization

Each of the properties was reviewed using the criteria above coupled with reviewing the task force's work. In some cases the criteria used by the task force were combined into a single block, such as environmental and edge issue commentary. Multiple contiguous ownership is noted; as is open space or current use tax status, prime agricultural or forest soils, environmental constraints present on county maps and the percentage of the land encumbered by those constraints. Properties were identified that were surrounded on three or four sides by non-resource lands.

There are two spreadsheets provided. Exhibit B1 is a spreadsheet of properties recommended for a change in designation. Exhibit B2 is a spreadsheet of all 3,500 + acres of property identified in the Alternative Minority Report.

A legend in the upper right hand corner of the spreadsheet indicated which properties are recommended for change and were:

1. (Light Blue) NOT discussed by the Board in 1998 public hearings or references were not found in the Board's minutes.
2. (Dark Blue) Discussed by the Board in the 1998 minutes; and
3. (Pink) The references with pink highlighting were not recommended for change by staff in this remand review but were discussed by the Board in 1998 minutes.

B. Proposed Changes to the Comprehensive Plan and Zoning Maps

Out of a total of approximately 3,619 acres, there are approximately 43 properties on which staff recommends a change in the Plan and zoning designations for a total of

approximately 1,792 acres. No change in designation is proposed for 51 properties for a total of approximately 1,827 acres. For summary purposes they will be condensed by map and area number. For individual properties, please refer to the spreadsheets attached as Exhibit B1 (Parcels Proposed for Change) and B2 (All Parcels Reviewed).

Map 1:

Areas 8, 9, 20 and 23:

- **Area 8:** Staff recommends no change in Plan designation and zoning of Rural/R-10 for these two properties. They are Assessor's # 171486-000 (State Land, 39.85 acres) and 171495-000 (Munger, K. H., 40.04 acres). There are forestry operations on the State Land parcel and a single-family residence on the Munger site. The State Land site is primarily forest covered. The Munger site is about 70 percent cleared and is under current use taxation (1974-0301). Soils on the State Land site are 100 percent prime agricultural soils and 99.6 percent prime forest soils¹. The Munger site is 90 percent prime agricultural and 51.6 percent prime forest soils. The Munger site contains hydric soils. There are no major environmental constraints on these parcels. Both parcels are directly abutting Forest Tier II/FR-40 land to the south. The Plan and zoning to the north and east of the State Land parcel is Rural/R-5 and to the west is Rural/R-10.

To the north and east of the Munger site is Rural/ R-10. The Munger's own the contiguous 34.49-acre parcel to the north. To the southeast is a cluster subdivision in Forest Tier II/FR-40.

The large sizes of both these parcels (approx. 40 acres), existing farm and forestry operation, current use taxation and contiguous ownership of the Munger site, and the prime soils could make them suitable for redesignation as resource land, most appropriately Forest Tier II/FR-40. However, being surrounded on 3 or more sides by rural lands, staff recommends retaining the Rural/R-10 designations.

- **Area 9:** Staff recommends redesignation of this area from Rural /R-10 to Forest Tier II/FR-40. Parcels in the area are Assessor's #169972-000 (Uhacz, E. L. & Gladys Trust, 80.65 acres) and #169973-000 (Diamond B Ranch, Inc., 40.14 acres).

Critical lands over 50 percent are noted in bold on the spreadsheet. Parcel #169973-000 contains 66 percent critical lands. Both parcels consist of 100 percent prime forest soils. Both parcels contain single family residences. The Uhacz parcel is under cultivation and in current use taxation status(1979-0132). The Diamond B Ranch site is also in current use taxation status (1974-0030). Forest cover is about 50 percent on the Diamond B site and about 35 percent on the Uhacz site.

The Diamond B Ranch property is within the 100-year floodplain and both sites contain wetlands. Both sites abut Forest Tier I/FR-80 on the east, which is Camp Bonneville, and the Uhacz site is abuts Forest Tier II/FR-40 to the north. Property that adjoins the northwest corner of the Uhacz site is a contiguous ownership by the Uhacz Trust and is zoned Rural/R-5.

The recommendation of the Ag Forest Focus Group was Rural/R-10 and the Alternative Group opinion was Forest Tier II/FR-40. Given the large sizes of the parcels, 100 percent prime forest soils, current use taxation status, contiguous ownership of the Uhacz parcels, floodplain location and adjacency to existing Forest

¹ Some soil classifications are prime for both agriculture and forestry, hence percentages may overlap.

Tier 1 and Tier II, staff supports redesignation from Rural/R-10 to Forest Tier II/FR-40.

- Area 20: Staff recommends a change in designation from Rural/R-10 to Forest Tier I/FR-80 for Assessor's parcel #140846-000 (Hambleton Bros. Lumber Co., 79.09 acres) and to Forest Tier II/FR-40 for Assessor's parcel #'s 138527-000 (D.K. DeLoach Jr., 40.11 acres) and 138533-000 (F.L. and Shirley Goodwin, 40 acres). The Hambleton Bros. property is as adjacent to a 160-acre parcel under the same ownership and designated Forest Tier I/FR-80. The DeLoach and Goodwin parcels are adjacent to the same designation on the north and west (DeLoach only), and adjacent to Rural/ R-5 on the south and east (Goodwin only). A BPA easement extends east to west through both these parcels. There are no water or sewer lines in the area. Prime forest soils are 100 (Hambleton), 99.9 (DeLoach) and 84.4 (Goodwin) percent on the three parcels . Prime agricultural soils are 79.6, 93.2 and 78 percent respectively. Environmental constraints over 50 percent are only on the Goodwin site at 67.5 percent, which consist of wetlands, hydric soils and severe erosion hazard. None of the parcels are listed as under current use or open space taxation. All land is listed as unused cleared on the Assessor's records. Aerial photos show some forestation on the Hambleton Bros. and DeLoach sites.

Based upon the contiguous ownership of the Hambleton Bros. property, making up 240 acres of prime forest land and that it is at the edge of a large area of FR-80 zoned land, staff recommends that the parcel be designated as Forest Tier I/FR-80.

The DeLoach and Goodwin parcels are similarly large tracts with prime forest soils abutting Forest Tier I/FR-80. Though they also abut Rural/R-5, they are composed of prime forest soils, are approximately 40 acres each, are encumbered by a BPA easement and the Goodwin property has 67.5 percent critical land. These properties, by virtue of their large size constitute enough land to be a transition area between the Forest Tier I/FR-80 and Rural/R5 lands surrounding them. Based upon these facts, a designation of Forest Tier II/ FR-40 is supported by staff.

- Area 23: Staff recommends that three of the ten parcels in this area be redesignated from Rural/R-10 to Forest Tier II/ FR-40. The three (3) properties recommended for a change in designation from Rural/R-10 to Forest Tier II/FR-40 are Assessor's #s 137294-000 (Aldrich, W. & M., 50.67 acres), 137287-000 (Wheeler, E. & F., 77.54 acres) and 137286-000 (State Forest Board, 73.62 acres). These 3 are recommended for redesignation to Forest Tier II/ FR-40 due to large lot size, over 90 percent forest cover activity, prime forest soils of 100 percent each for the Aldrich and Wheeler parcels and 89.5 percent for the State Forest Board site and adjacency to Forest Tier II/FR-40, with the exception of parcel # 137287-000 (Wheeler) which is bordered by Rural/R-5 on the south, east and west. However, the Wheeler parcel would make a contiguous block of resource land if the other two were redesignated. There is no current use or open space taxation on any of the parcels.

The Aldrich Trust, family members or others as well as the Wheeler family own several other small parcels within this block of properties. The recommendation is to retain the Rural/R-10 designation on these other properties.

Map 2

Areas 8, 9 (No Changes Proposed) and 16,18 (Changes Proposed)

- Area 8: On all lots staff recommends retention of Rural/ R-5 and R-10 designations. All lots in this section are currently designated Rural/R-5, except the Arola parcels, which are Rural/R-10. They are Assessor's #s 201179-000 (Pietila. S.R. et al, 39.51 acres), 201178-000 (MacKinnon, J. & D., 22.67 acres), 201180-000, 202305-000 (Faruolo, F., total of 81.7 acres), 202298-000 (Arola, D. 1/3 interest, 59.09 acres), 202299-000 (Arola, D. & D., 19.91 acres), and 203796-000 (State Land, 80 acres).

Forest cover activity is shown as 90 percent with all but one (State Land) of the lots being in timber and open space/current use taxation. Critical lands over 50 percent encumber parcel #s 201179-000 (91.8%); 201178-000 (94.6%); 201180-000 (73.7%). Critical land constraints include high quality wetlands, 200' shoreline buffers, and steep slopes over 25 percent, severe erosion hazard, and areas of older landslide debris. Prime forest soils are 100 percent present on all parcels, except #203796-000, which is 94.50 percent prime forest soil. There are water lines within 1,500 feet of the properties.

Properties are adjacent to, and surrounded by, Rural/R-5 designated land. Even though surrounded by rural, non-resources lands, there are prime forest soils, current use taxation status, environmental constraints, extensive forest cover. Staff recommends no change of designation of the parcels in this area.

- Area 9: None of the five lots in this section are recommended for redesignation. There are three parcels all under one ownership, Kunze Family Forest, LLC, (Assessor's #s 119900-000, 29.2 acres; 119910-000, 9.53 acres; and 119920-000, 19.59 acres) and are in forestry and mobile home use. The acreage totals approximately 60 acres. Soils are all prime forest soils with one lot at 81.34 percent and the two other lots at 100 percent. Environmental constraints are 75.7 and 62.8 percent on two of the three Kunze properties. All parcels in Area 9 are in Open Space/Current Use Taxation status. Two of the parcels are adjacent to existing Forest Tier II/FR-40 but overall, they are surrounded by Rural/R-5.
- Area 16: The staff recommends redesignation of this area from Rural/R-5 and R-10 to Agriculture/AG-20. The three lots in Area 16 are all under contiguous ownership by Alan W. Schumacher and/or Alan and Alice Schumacher and total 97.72 acres. Zoning on two parcels is Rural/ R-10 (#233475-000, 226262-000) and it is Rural/ R-5 on the other (#226261-000). The parcels are currently planted in crops and there is Current Use Taxation (#1973-0066, 1974-0374) on all of the parcels [#233475-000, 226261-000, 226262-000]. One parcel, #233475-000 has no prime agricultural or forest soils but is still in crop production. There are soils in both prime agriculture (20% and 51.73%) and forest (21.90% and 78.18%) soils classifications, with high environmental constraints on the other two parcels (#226261-000 & 226262-000) at 87.3% and 59.1%, respectively. The environmental constraints consist of hydric soils, riparian habitat, slopes greater than 25 percent, and potentially unstable slopes. All parcels are adjacent to FR-40 on the south, which are also owned by the Schumacher's and to Rural/R-5 on the north and west. The Schumacher's also own the 20 acres to the north. The parcel to the east is Rural/R-10.

Based upon the adjacency to FR-40, contiguous ownership and the current use as agricultural land with active farming taking place, environmental constraints as well as the edge issue of a transitional zone, staff recommends the subject parcels be redesignated Agriculture/AG-20.

- Area 18: Staff recommends that this area be redesignated from Rural/R-10 to Forest Tier II/FR-40. This area is under two distinct ownerships, Kullberg and Marinier. The Kullberg property has a total of 193.92 acres. The Marinier property is 186.78 acres in total according to Assessor's records.

The land use on the Kullberg parcels 223610-000, 223609-000 and 223620-000 is shown as crops and 230694-000 is unused and timbered, according to Assessor's records and aerial photos. A site visit was made February 27, 2003. All parcels are in current use/open space tax status. Soils are between 68% and 100 % prime forest soils. Environmental constraints are moderate, at less than 50%. Based upon soils, contiguous ownership and current use/open space taxation and adjacency to other Forest Tier II sites, staff recommends a Forest Tier II/FR-40 designation.

The Marinier parcels (221256-000, 230484-000, 230485-000, 221251-000, 230491-000) are currently in nursery stock, unused cleared and timbered land which ranges from 59.64 to 100 percent prime forest soils. One 37.67-acre parcel has a single-family residence. Three of the five parcels are 100 percent prime forest soils. Environmental constraints are relatively low except on parcel # 230484-000, which has 72.3% critical lands. This is the same parcel on which nursery stock is listed as the existing use. This was confirmed with aerial photos of the site.

The Marinier properties, along with the Kullberg sites are all situated with a corridor between Forest Tier I and Tier II. To the northwest and southeast there are Rural/R5 parcels already divided. The subject properties are in large parcels and productive agricultural and/or forestry use. They meet the criteria as listed in Exhibit A for forest land. Staff recommends redesignation from Rural/R-10 to Forest Tier II/FR-40 for these properties.

- Area 21: The staff recommendation for this area is that all parcels be redesignated from Rural/R10 to Forest Tier II/FR-40. This area consists of three parcels under one ownership and one parcel under a separate ownership. The Teel properties (231581-000, 229639-000, and 229644-000) total 76.12 acres. The Wirtanen property (#231574-000) is 37.28 acres. The area has about 90 percent forest cover and prime forest soils of 99.8, 99.7 and 100 percent on the Teel properties and 48.2 percent on the Wirtanen site. Prime agricultural soils of 53.6, 47.9, and 27 percent are also present. The Teel land is all under current use taxation (1988-0046). The Wirtanen site has current use taxation status as well (1973-0233). Environmental constraints include slopes greater than 25 percent, severe erosion hazard, areas of potential instability, 100 year flood plain and riparian habitat. There is a public CPU water line that runs down Parcel Avenue approximately 256 feet east of Teel's site, (#229644-000). On a site visit February 27, 2003 there was evidence of active logging on a portion of the Teel site.

There is contiguous ownership of the Teel properties, which abut Forest Tier II/FR-40 designated property on the west. About 1/3 mile south is Forest Tier II and I land as well. The properties are adjacent on the north and east sides to Rural/R-5 and on the south to Rural/R-10 designated properties.

Based upon the large lot sizes, contiguous ownership, environmental zones and constraints, current use/open space taxation status and prime forest soils on the properties, staff recommends redesignation from Rural/R-10 to Forest Tier II/FR-40.

Area 23: The staff recommendation on this area is all four parcels be redesignated from Rural/R-10 to Forest Tier II/FR-40. The Anthony Hannan site (279019-000) is 40 acres, with 62.5 percent prime ag and 100 percent prime forest soils. This property is surrounded on 3 sides with Forest Tier II/FR-40 designation and Rural/R-10 on one side. The Rinta properties (William C. -229868-000, John & Debbie – 229869-000 and Kathleen M.-222861-000) are 30, 30 and 22.13 acres respectively and have a range of 32.5 to 63.43 in prime ag soils and 32.5 to 84 percent prime forest soils. All the properties are in current use/open space tax status and contain single family residences. Environmental constraints include riparian habitat conservation areas, priority habitat and species, hydric soils, wetlands and slopes greater than 25 percent and severe erosion hazard areas. Please refer to the spreadsheet for parcel-specific information. The Rinta properties are adjacent to Forest Tier II/FR-40 on 3 sides and Forest Tier I/FR-80 on the southwest. In there is about 90 percent forest cover of the combined areas. The Rinta properties have been logged in recent years, according to the owners.

Based on the prime forest soils, large lot sizes, current use taxation status, surrounding land uses, environmental constraints and recent resource use, staff recommends a new land use designation of Forest Tier II/FR-40.

Map 3 – No Changes Recommended

- Area 4: Staff recommends retaining the Rural/R-10 designation on this site. The James L. Bishop site (264351-000) is 50.22 acres with 100 percent prime forest soils and 75.01 percent prime agricultural soils, and mostly cleared except for an 11 acre forested portion of the site in the northwest corner and about 2 acres in the northeast corner. There is Rural/R-5 designation to the south and R/10 to the north and east. Adjacent to the site on the west and northeast is Forest Tier II/FR-40 and southeast of the site is AG-20. There are minimal environmental constraints but a large area of priority riparian habitat.

Based upon the surrounding Rural designations, minimal environmental constraints and parcelization of adjacent sites, staff recommends retention of the Rural/R10 designation on this site.

- Area 23: Staff recommends that three properties in this area be retained as Rural/ R-10. The proposed properties are the Dobbins (275917-000), 68.40 acres; Longview Fiber Co. (276158-000), 69.65 acres; and Bergen (276159-000), 39.32 acres. All three are 90 to 100 percent prime forest soils. Environmental constraints include slopes greater than 25 percent, severe erosion hazard and riparian habitat. Both the Longview Fiber Co. and Bergen properties have Current Use Taxation (1972-0022 and 1977-0200, respectively). The sites are surrounded with Rural/R-5 and R-10 designations on all sides. Based upon the surrounding land uses and designations, staff recommends retaining the Rural designation to avoid an island of resource land.
- Area 25: No change is recommended for these properties. The sites are under separate ownership. The Lupekha property (#265041-000) is cleared with a water feature on the site. It is 54.31 acres with slopes greater than 25%, severe erosion hazard and hydric soils. It is adjacent to Rural/R-10 all around it to the south, east and west. There is R-5 to the north. The Kleidosty property (#265038) is 41.71 acres and is under Current Use Taxation (#1976-0199). It, too, is surrounded by Rural /R-5 and R-10 designated lands.

Map 4

Areas 4, 11, 13, 25

- Area 4: The staff recommendation on Area 4 properties is to retain Rural /R-10. Three of the four properties are under contiguous ownership by Robert & Richard Colf (#261303-000, 261313000, and 261288-000) for a total of 89.83 acres. Prime forest soils are on 100 percent, 63.88 percent and 92.85 percent of the sites, respectively. Parcel 261288-000 also has 71.28 percent prime agricultural soils. Parcel #261313-000 is shown as forestry operations on the assessor's records and 261303-000 is shown as a single-family residence. Both these parcels are under current use/open space tax status (#1982-0019, 1982-0745).

The fourth property is owned by H. Lester (#261287-000) and is 17 acres in size with 91.48 percent prime forest soils and 56.12 prime agricultural soils. It is listed as a single-family residence on the assessor's records. At this time, only the Colf properties are under current use taxation status.

The analysis of this area leads staff to the recommendation to retain as Rural/R-10 as these properties are basically at the edge of Rural- R-10 or R-20 on three sides.

- Area 11: These properties are recommended to retain Rural/R-10. Since different members of one family own most of the properties, for the sake of clarity a chart is listed on the next page with the relevant information.

Zumstein and Derry Property Ownership
Map 4 Area 11

MAP & AREA	PARCEL #	ADDRESS	OWNER	CURRENT PLAN DESIGNATION/ZONE	ACRES	% Critical Lands (50%+ BOLD)	% Prime Ag Soils	% Prime Forest Soils	Existing Land Use per Assessor's Records*	Open Space Current Use Taxation	Staff Recommendations
Map 4											
Area 11	253515-000	1801 NE Hayes Rd.	Zumstein, Joe J. Jr.	Rural/R-10	38.67	69.1%	20.38	74.73	SFR	1977-0362	No Change
	252869-000	42307 NE 12th Ave	Zumstein, Joe J. Jr. & Cheril	Rural/R-10	37.29	42.1%	1.51	99.90	SFR	1977-0362	No Change
	252860-000		Zumstein, Joe J. Jr.	Rural/R-10	18.80	71.5%	0.63	77.87	SFR	1977-0362	No Change
	252886-000		Zumstein, Joel & Nanci	Rural/R-10	13.63	82.5%	0.00	100.00	SFR		No Change
	253518-000	41616 NE 12th Ave.	Derry, Gene A.	Rural/R-10	18.55	57.6%	14.13	100.00	SFR		No Change
	253520-000	41115 NE 12th Ave.	Zumstein, Joe J. Jr.	Rural/R-10	47.40	43.5%	0.21	88.03	MoHomes	1977-0489,	No Change
	253561-000		Schurman, William & Sarah (property divided 1/2002)							1977-0485	

Three of the sites are under contiguous ownership (Joe J. Zumstein Jr. (& Cheril), Assessor #'s 253515-000, 252869-000 and 252860-000) and are of sufficient size of 38.67, 37.29 and 18.80 acres to make a large lot configuration feasible.

The soils are prime forest soils of 74.7, 99.9 and 77.9 percent, respectively. Lot #'s 253515-000, 252869-000 and 252860 are under current use taxation (1977-0362).

All properties contain single family residences, with a mobile home on the Schurman's (#253520-000), according to assessor's records. The properties are currently partially forested along stream banks and cleared over the majority if the sites. It appears on aerial photos that most of the sites are in some agricultural production. However, the soils on the sites are clearly prime forest soils. Given the mix of forest soils and agricultural uses, it is difficult to assume a primary resource designation for these properties.

- Area 12: Staff recommends retaining the Rural/R-10 designation on this area. The properties are Assessor's parcel #'s 256494-000 (Smith, Samuel D.); 256495-000 (Stuart, Zachary); 256490-000 [Stuhlsatz, John & Sheila (cont.) with McHugh, Bonnie]; 256519-000 (Devert, David & Valerie). Rural/R-5 and R-10 surround the area to the north, west and south. There is some Agriculture zoning to the east abutting the McHugh/Stuhlsatz and Stuart properties. The area has a Mining Overlay. The Stuart and Smith properties are almost entirely forested. Smith has a mobile home on site. The McHugh/Stuhlsatz property is about 50% forested. Records show mobile home

converted to real property on that site. The Devert property is cleared and there are some trees and a single-family house on the site. No changes to the existing designations are proposed as the properties are surrounded on 3 sides with R-5 and R-10 zoning.

- Area 13: Staff recommends that these two properties be retained as Rural/R-10. Assessor's parcel #'s 255635-000 (Bowden) and 255838-000 (Leuthold, et al) are 37.75 and 39.99 acres, respectively. Both have 100 percent prime forest soils. The Bowden property is under current use taxation (1983-0039) and is about 70-80 percent forested. Single family residences are on both. The Leuthold property appears to contain some crops and either silviculture or orchard. The Leuthold site is adjacent to FR-40 land on the west, R-5 to the south and R-10 to the north and east. The Bowden site is adjacent to FR-40 at the northeast corner of the property only. There is Rural/R-20 to the north, R-10 to the east and south. Given the surrounding Rural designations surrounding the sites on at least 3 sides, staff recommends the retention of Rural/ R10.
- Area 15: Staff recommends no change in designation for these parcels. Assessor's parcel # 254984-000 (Daniel & Carole Heerman) is a 124.42 acre parcel with steep, unstable slopes, moderate critical lands, riparian and non-riparian habitat area and buffers and a high value dwelling. It is not in current use taxation status. Assessor's parcel # 254770-000 (Clay LLC) is 53 acres more or less and currently in split zoning, as is #254798-000 (Carol M. Harmon, cont. Cardai Hill Quarry), which is 78 acres more or less. The eastern 55 percent of each of these parcels are in Forest Tier II/FR-40 and the western 45 percent is in Rural/R-10 designations. Environmental constraints include slopes greater than 25 percent, areas of severe erosion hazards and riparian habitat. Approximately 70 percent of the perimeter of the parcels are surrounded by Rural/R-5 designation. No changes to the existing designations are proposed.
- Area 25: The staff recommendations on this site are mixed. The parcels proposed for no change in designation are assessor's #'s 265259-000 (R.G. Hazen & K.S. Gdians), 265248-000 (S.J. Hazen & Avis Trustee).

The remainder of the properties are currently designated Rural/R-10. However, all properties are composed of prime forest soils from 74.46 to 95.54 percent. Prime agricultural soils range from 14.02 to 89.75 percent. Soils are clearly mixed here but with more prime forest than prime agricultural. Three parcels are under current use taxation (#265256-000, West, 1976-0350); (#265248-000, S.J. Hazen, 1973-0263) and (#265474-000, First Independent Bank Trustee, 1982-0066).

With (#265257-000, Elmer), the West property (265256-000), would provide for a contiguous area of Agriculture/AG-20. However, the West property is surrounded by Rural/R-10 on three sides. Though an Agriculture/ AG-20 designation would be more consistent with the adjacent designation to the west, the AgForest Alternative Minority Opinion of 5/8/98 recommended the Forest Tier II/FR-40 for this area. Both the Relyea/Pehlke (#265509-000), First Independent Bank Trustee (#265474-000), and C. West (265256-000) properties are recommended for redesignation to Agriculture/AG-20 from Rural/ R-20 as they are clearly edge properties, directly adjacent to AG-20 lands and of significant size (50 ac. +) to justify designation as resource land.

Map 5

Areas 21, 23, 25

- Area 21: Staff recommendation on this area is for redesignation from Rural/R-20 and R-10 to Forest Tier II/FR-40. The parcels under consideration are Assessor's #'s 210778-000 (Lobey, 79.16 acres); 210782-000, 210783-000, 210784-000 (State School Land; 40.64, 34.35, and 38.11 acres, respectively). Soils are shown as 34.77, 83.44, 75.20, and 99.34 percent prime agricultural and 2.26, 0.90, 58.57 and 99.34 percent prime forest soils, respectively. However, the properties directly adjacent to the north are the same soils and designated as Forest Tier I/FR-80. As a transition zone between the FR-80 and the R-5 to the south, FR-40 makes the most sense given the lot sizes, soil types, adjacent zoning and critical lands. All of the state lands parcels are forested and contiguous to the forest north of them. Approximately one half of the Lobey property is cleared.
- Area 23: Staff recommends that this area have a mixed designation. Land uses are mixed between forestry and agriculture. The parcels under consideration for redesignation are Assessor's #'s 222546-000 and 222555-000 (Reich, G. et al, 38.75 & 33.42 acres) and #222542-000 (Niblett, Jay, 57.95 acres). Critical lands that range in percentages from 60.02 to 92.9 percent encumber all parcels. All soils are primarily prime forest soils that range from 44.69 to 97.75 percent. The use of the Reich parcels is listed as forestry operations and the Sinclair and Lenius sites are listed as single family residences on the Assessor's records.

The Niblett property is surrounded on three sides by Agriculture/AG-20 lands, it is encumbered by very severe critical lands, mostly hydric soils, and is 100 percent forested. Prime forest soils are 44.69 percent.

The Reich property is designated as Rural/R-20 and is listed in Assessor's records as forestry operations but they are adjacent to agriculturally designated (AG-20) land to the south. None of the soils on the Reich property are identified as prime agricultural soils. The fact that the forest use, prime forest soils and 60.2 and 83.1 percent critical lands are on the sites would lead one to conclude that Forest Tier II/FR-40 would be the appropriate Plan and zoning designation. Combined with the Niblett property it would be logical to use the Forest Tier II designation on this combined 130 acre site.

Both the Sinclair and Lenius properties are currently designated Rural/R-10. The Sinclair property is under current use taxation (#1974-0386). Prime forest soils are 97.75 percent on the Sinclair site and 58.28 percent on the Lenius property. The Sinclair site is about 60 percent forested. They are surrounded by R-5 and R-10 zoned land. The Lenius property contains 92.9 percent critical lands. Staff recommends that the Sinclair and Lenius properties be retained as Rural/R-10.

Area 25: Staff recommends that the Plan and zoning designation on this property be changed from Rural/R-10 to Forest Tier II/FR-40. The Assessor's parcel #266761-000 (Holcomb, C.D.) is 83.56 acres in size. The site is approximately 50 percent forested and 50 percent cleared. The parcel is under current use taxation (1974-0318). Soils are 66.49 percent prime forest and 39.67 prime agricultural. There are 45.3 percent critical lands, but they are moderate steep slopes and some severe erosion hazard on only a small portion of the site. The site is clearly edged between Forest Tier I/FR-80 and FR-40 and R-10. Such a large tract of land would be suitable for further protection of the resource capability. Hence, staff recommends redesignation to Forest Tier II/FR-40.

III. SEPA

An environmental checklist was prepared for this proposal and is attached as Exhibit L. A determination was made that the proposed project will not have a probable significant environmental impact. A determination of non-significance (DNS) was issued on March 6, 2003. This was advertised in *The Columbian* newspaper on March 6, 2003, and had a comment period ending March 20, 2003.

IV. RECOMMENDATION

Staff recommends that the Planning Commission forward a recommendation to the Board of County Commissioners to approve the adoption of the proposed Plan and zoning designations as listed in the staff report and attached spreadsheet.

V. EXHIBITS

- A. Criteria for Ag and Forest Land
- B. B1. Spreadsheet of Parcels Recommended for Change
B2. Spreadsheet of All Parcels Reviewed for the 3500 Acre Remand
- C. C1. Maps of Parcels Recommended to Resource Designation
C2. Maps of All Parcels Reviewed
- D. Agri-Forest Task Force Report & Staff Report of April 8, 1998
- E. Task Force Minority Report
- F. Task Force Alternative Minority Report
- G. Western Washington Growth Management Board Remand Decision
- H. Comments and Meetings:
 - 1-3. List of Attendees of 3500 Acre Remand Open House of 2/25/03
 - 4-6. List of Phone Inquiries as of March 3, 2003
- I. DNR Letter from Ann Johnson dated May 19, 1998 re: State Lands
- J. Chronology of Remand
- K. Board of Commissioner Minutes of 1998 Public Hearings
- L. SEPA checklist
- M. Copy of notification letter to property owners of parcels proposed for change in designation